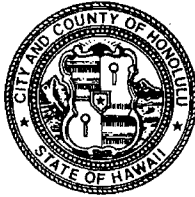


DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honoluluodpp.org](http://www.honoluluodpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

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KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

October 14, 2014

The Honorable Carol Fukunaga, Chair  
and Members of the Committee on  
Public Safety and Economic Development  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

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CITY COUNCIL  
HONOLULU, HAWAII

Dear Chair Fukunaga and Councilmembers:

SUBJECT: Bill 52 (2014), CD1 – Housing Code

We are pleased with the amendments represented in Bill 52 (2014), CD1. In large measure we support Bill 52 (2014), CD1. We have some reservations as there are some definitions and criteria that we feel need greater clarification.

We find the definition for "nuisance in fact" confusing in that it refers to both public and private property and the applicability is unclear. Some of the criteria, such as "stagnant ponds or pools of water" are overly general and could be interpreted in many unintended ways. We recommend that the existing listings that specifically describe "Structural hazards," faulty plumbing, and electrical fixtures be retained in Article 9 of the proposed ordinance.

Several references are made to the authority of "building official" to enforce these provisions is outdated. Before the 1998 reorganization of the City, the term referred to the head of the Building Department. That Department no longer exists and neither is the official position. The responsibilities and functions of the Building Department and the building official merged into the current Department of Planning and Permitting, but the ordinances were never updated in the references.

Finally, the "determination of a situation that is detrimental to the public health" and an "infestation of insects, vermin or rodents" by the Director of the State Department of Health (DOH) as a condition complicates the enforcement. Conversations with the DOH indicate they may have different standards than what is intended by this ordinance. Also, their Vector Control Branch was decimated in past Administrations

The Honorable Carol Fukunaga, Chair  
and Members of the Committee on  
Public Safety and Economic Development  
October 14, 2014  
Page 2

and they do not have sufficient staff to pursue these kinds of assessments, consequently response from the DOH may not be timely.

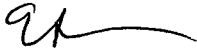
We ask that further clarification be given to these items to improve the enforceability of the ordinance.

Very truly yours,



George I. Atta, FAICP  
Director

APPROVED:



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Ember Lee Shinn  
Managing Director